

## **REMARKS**

By this amendment, Claims 1, 6 and 7 are amended and new Claim 14 has been added. No new matter has been introduced. Claims 1-14 are currently pending. Claim 2 has been allowed. Claims 3-5 have been withdrawn from consideration.

Claim 7 has been amended to correct an obvious typographical error.

### ***Interview Summary***

Applicant thanks the Examiner for the telephone interview with Applicant's representatives on January 9, 2006. During the interview, claims 1 and 6 were discussed, in relation to references Lykken et al. (U.S. Patent No. 6,318,484) and Gignac (U.S. Patent No. 6,125,956), respectively. As to claim 1, it was discussed that an amendment to better define the connection between the first wheel and the tandem arm would place the claim in condition for allowance. As to claim 6, it was discussed that an amendment to better define the wheel frame structure and its connection to the tandem arm would place the claim in condition for allowance.

### ***Claims 1 & 12***

The Examiner has rejected claims 1 and 12 as being anticipated under 35 U.S.C. §102(e) by Lykken et al. (6,318,484). To anticipate, a single prior art reference must disclose each element of the claim under consideration. W.L. Gore & Assocs. v. Garlock, Inc., 721 F.2d 1540 (Fed. Cir. 1983).

The Examiner asserts idler wheel carriage structure 102 of Lykken to be equivalent to the top tandem arm 120 or 121 described in the application. However, Lykken does not disclose a first wheel mounted on the top of this structure, as required by Claim 1 and 12 of the application. The Examiner asserts structure 164 in Lykken as being equivalent to the first wheel 122 described in the application. However, this structure 164 is not mounted on the structure the

Examiner asserts to be the top tandem arm. Instead, it is mounted on structure the Examiner asserts to be the bottom tandem arm. The Examiner argues that the structure 164 is mounted to the top tandem arm indirectly through the bottom tandem arm. (See Pending Office Action; 05/1/06 Office Action at 5).

Claim 1 has been amended herein to clarify that the first wheel must be mounted directly to the top tandem arm. Thus, the claim, as amended includes a top tandem arm pivotally connected to a frame such that the top tandem arm pivots relative to the frame in a substantially vertical plane, a first wheel being directly connected to the top tandem arm; a bottom tandem arm pivotally connected to a bottom portion of the top tandem arm; and two idler wheels connected to the bottom tandem arm. Lykken does not disclose similar structure, and thus, does not anticipate the claim. Requiring the first wheel to be directly connected to the top tandem arm (which is, in turn, pivotally connected to the bottom tandem arm) allows the first wheel and idler wheels to pivot in a reciprocating manner to maintain a desired distribution of weight between the first wheel and the idler wheels. The structure disclosed in Lykken is not capable of this reciprocating action. Accordingly, Applicant request that the rejection of claims 1 and 12 be withdrawn.

#### ***Claims 6-8***

The Examiner has rejected claims 6-8 as being anticipated under 35 U.S.C. §102(e) by Gignac (6,125,956). Again, to anticipate, a single prior art reference must disclose each element of the claim under consideration. W.L. Gore & Assocs. v. Garlock, Inc., 721 F.2d 1540 (Fed. Cir. 1983).

Claim 6 and Claim 14 require a wheel frame having an axle extending widthwise across the implement frame and adapted for supporting the implement frame; a first tandem arm directly connected to this axle at a pivot point for rocking generally in a vertical plane about a first pivot axis; a first wheel positioned at one end of said wheel frame and operably connected to said wheel frame by said first tandem arm and a second wheel operably connected to said wheel frame; a first idler wheel structure supported by said first tandem arm such that said first idler wheel structure and said first wheel rock about said first pivot axis in a reciprocating manner to maintain a desired distribution of weight between said first wheel and said first idler wheel structure, said first idler wheel structure being in contact with said lower run between the first and second wheels.

In rejecting the claim, the Examiner asserts tandem support structure 53 in Gignac as being equivalent to the wheel frame described in the application. Claim 6 and Claim 14 state that the wheel frame has an axle which extends across the width of the implement frame. The wheel frame having an axle is adapted for supporting the implement frame. In addition, Claim 6 and Claim 14 identify that the tandem arm be directly connected to this axle. Gignac does not disclose any structure which could be considered an axle extending widthwise across an implement frame, or adapted for supporting an implement frame, or to which a tandem arm is directly connected. In contrast, tandem support structure 53 in Gignac is merely attached to the outside of rectangular frame 62 (See Fig 3B of Gignac). By use of a wheel frame which has an axle extending across the width of the implement frame, and requiring the tandem arm to be directly attached to this axle, the invention provides better support of the implement frame and a more even distribution of weight than is possible with the structure disclosed in Gignac, in which the weight or load is focused on the outside of rectangular frame 62.

Because Gignac does not disclose each element of Claim 6 and Claim 14, it does not anticipate Claim 6 or Claim 14, nor does it anticipate Claims 7 or 8 which are dependent on and contain the limitations of Claim 6. Accordingly, Claims 6-8 and 14 are in condition for allowance and Applicant request that the rejection of Claims 6-8 be withdrawn.

***Claims 9-11, 13***

The Examiner has objected to claims 9-11 and 13 as being dependent upon a rejected base claim. Claims 9-11 are dependent on claim 6. Claim 13 is dependent on claim 1. In light of the foregoing amendments and remarks, allowance of Claims 9-11 and Claim 13 is proper.

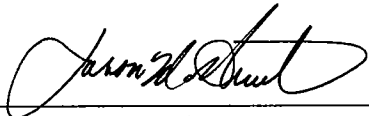
***Conclusion***

Taken together, Applicant respectfully submits that the device claimed by the instant application contains novel properties not disclosed by the prior art references, and that the independent claims, and the claims dependent thereon are not anticipated nor obvious over the cited references. Moreover, Applicant's amendments herein place this application in a condition for allowance. Accordingly, withdrawal of the Examiner's rejections is respectfully requested.

In view of the above amendments and remarks, it is respectfully submitted that this Application is in condition for allowance and such action is earnestly solicited. However, should the Examiner have any further point of objection, the Examiner is urged to contact the undersigned by telephone so that a prompt and mutual agreement with respect to claim limitations can be reached.

Respectfully submitted,

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By:   
Jason M. Hunt (Reg. No. 53,048)  
DORSEY & WHITNEY LLP  
801 Grand, Suite 3900  
Des Moines, IA 50309  
Ph. 515 283-1000  
Fax 515 283-1060